

HOUSE BILL 1214

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2lr2713

By: **Delegates Kaiser, Carr, A. Miller, and Stukes**

Introduced and read first time: February 10, 2012

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2012

CHAPTER _____

1 AN ACT concerning

2 **Education – Public ~~High~~ Schools – Maximum Student Enrollment Policy –**
3 **Study**

4 FOR the purpose of requiring ~~each county board of education on or before a certain~~
5 ~~date to establish a policy on maximum student enrollment at each public high~~
6 ~~school within the county board's jurisdiction; requiring each county board to~~
7 ~~consider certain items and solicit certain input in establishing the policy;~~
8 ~~requiring each county board, in consultation with its county governing body, on~~
9 ~~or before a certain date, to develop and determine the cost of a plan to~~
10 ~~implement the established policy; requiring each county board on or before a~~
11 ~~certain date to submit the policy and the implementation plan to certain entities~~
12 the State Department of Education to study the establishment of a policy on
13 maximum student enrollment in public schools on or before a certain date;
14 requiring the Department to submit a certain report on or before a certain date
15 to the General Assembly; providing for the termination of this Act; and
16 generally relating to a study of a maximum student enrollment policy in public
17 high schools.

18 ~~BY repealing and reenacting, with amendments,~~
19 ~~Article – Education~~
20 ~~Section 4 – 109~~
21 ~~Annotated Code of Maryland~~
22 ~~(2008 Replacement Volume and 2011 Supplement)~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That ~~the Laws of Maryland read as follows:~~

3 **~~Article—Education~~**

4 ~~4-109.~~

5 (a) ~~Subject to approval by the State Superintendent and in accordance with~~
6 ~~the applicable bylaws, rules, and regulations of the State Board, a county board may~~
7 ~~establish a public school if, in its judgment, it is advisable.~~

8 (b) ~~On approval by the State Superintendent, any school established under~~
9 ~~this section becomes a part of the State program of public education.~~

10 (c) ~~With the advice of the county superintendent, the county board shall~~
11 ~~determine the geographical attendance area for each school established under this~~
12 ~~section.~~

13 ~~(D) (1) ON OR BEFORE DECEMBER 1, 2012, EACH COUNTY BOARD~~
14 ~~SHALL ESTABLISH A POLICY ON THE MAXIMUM NUMBER OF STUDENTS THAT~~
15 ~~MAY BE ENROLLED IN EACH OF THE PUBLIC HIGH SCHOOLS WITHIN THE~~
16 ~~JURISDICTION OF THE COUNTY BOARD.~~

17 ~~(2) IN ESTABLISHING ITS POLICY FOR THE MAXIMUM STUDENT~~
18 ~~ENROLLMENT FOR EACH OF THE PUBLIC HIGH SCHOOLS WITHIN ITS~~
19 ~~JURISDICTION, EACH COUNTY BOARD SHALL:~~

20 ~~(I) CONSIDER THE NEED FOR ADEQUATE STUDENT~~
21 ~~CAPACITY IN THE COMMON AREAS OF EACH SCHOOL FACILITY, INCLUDING THE~~
22 ~~CAFETERIA, GYMNASIUM, AND LIBRARY;~~

23 ~~(II) CONSIDER THE OPPORTUNITIES FOR STUDENTS TO~~
24 ~~PARTICIPATE IN EXTRACURRICULAR ACTIVITIES, INCLUDING ACADEMIC CLUBS,~~
25 ~~ATHLETICS, AND ARTS PROGRAMS;~~

26 ~~(III) CONSIDER THE IMPACT OF A LARGE CAPACITY SCHOOL~~
27 ~~ON THE TRANSPORTATION INFRASTRUCTURE IN THE AREA SURROUNDING THE~~
28 ~~SCHOOL;~~

29 ~~(IV) CONSIDER WHETHER A PROVISION SHOULD BE~~
30 ~~INCLUDED IN THE POLICY THAT WOULD AUTHORIZE A WAIVER UNDER CERTAIN~~
31 ~~CONDITIONS, SUCH AS EVIDENCE OF ADEQUATE COMMON AREA CAPACITY,~~
32 ~~SUFFICIENT OPPORTUNITIES FOR STUDENT EXTRACURRICULAR ACTIVITIES;~~

1 ~~AND MINIMAL IMPACT ON THE TRANSPORTATION INFRASTRUCTURE IN THE~~
2 ~~AREA SURROUNDING THE SCHOOL;~~

3 ~~(V) SOLICIT INPUT FROM EXPERTS IN PUBLIC SCHOOL~~
4 ~~FACILITY PLANNING AND DESIGN; AND~~

5 ~~(VI) SOLICIT INPUT FROM MEMBERS OF THE PUBLIC~~
6 ~~THROUGH A HEARING AND COMMENT PERIOD THAT INCLUDES:~~

7 ~~1. PROVIDING NOTICE OF A PUBLIC HEARING ON~~
8 ~~THE MAXIMUM STUDENT ENROLLMENT POLICY TO PARENTS OF PUBLIC SCHOOL~~
9 ~~STUDENTS IN EVERY GRADE LEVEL WITHIN THE JURISDICTION OF THE COUNTY~~
10 ~~BOARD;~~

11 ~~2. HOLDING A PUBLIC HEARING ON THE MAXIMUM~~
12 ~~STUDENT ENROLLMENT POLICY; AND~~

13 ~~3. PROVIDING FOR A PROCESS OF SOLICITING AND~~
14 ~~ACCEPTING WRITTEN AND ELECTRONIC COMMENTS ON THE MAXIMUM STUDENT~~
15 ~~ENROLLMENT POLICY.~~

16 ~~(3) (i) ON OR BEFORE JULY 1, 2013, EACH COUNTY BOARD, IN~~
17 ~~CONSULTATION WITH ITS COUNTY GOVERNING BODY, SHALL DEVELOP, AND~~
18 ~~DETERMINE THE COST OF, A PLAN TO IMPLEMENT THE MAXIMUM STUDENT~~
19 ~~ENROLLMENT POLICY ESTABLISHED UNDER PARAGRAPH (1) OF THIS~~
20 ~~SUBSECTION.~~

21 ~~(ii) THE PLAN DEVELOPED UNDER SUBPARAGRAPH (i) OF~~
22 ~~THIS PARAGRAPH SHALL INCLUDE A TIMELINE FOR IMPLEMENTATION.~~

23 ~~(4) ON OR BEFORE SEPTEMBER 1, 2013, EACH COUNTY BOARD~~
24 ~~SHALL SUBMIT TO THE STATE BOARD AND THE INTERAGENCY COMMITTEE ON~~
25 ~~PUBLIC SCHOOL CONSTRUCTION;~~

26 ~~(i) THE MAXIMUM STUDENT ENROLLMENT POLICY~~
27 ~~ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND~~

28 ~~(ii) THE IMPLEMENTATION PLAN DEVELOPED UNDER~~
29 ~~PARAGRAPH (3) OF THIS SUBSECTION.~~

30 (a) On or before December 31, 2013, the State Department of Education shall
31 study:

1 (1) Whether counties currently have policies regarding the size of
2 schools, including high schools, middle schools, elementary schools, and alternative
3 schools;

4 (2) Best practices in other states regarding school size;

5 (3) The educational and extracurricular impacts of school size;

6 (4) What factors contribute to large school sizes and how might the
7 State mitigate those factors;

8 (5) What would be the ideal size for high schools, middle schools,
9 elementary schools, and alternative schools;

10 (6) What process might help ensure appropriate public input into the
11 establishment of any school size standard or guideline;

12 (7) Whether models exist for the creation of smaller schools, including
13 the subdivision of existing schools into multiple administrative units within the same
14 campus, which share common areas such as cafeterias and sports fields;

15 (8) The potential impacts on the school construction program of
16 establishing stricter policies regarding smaller schools;

17 (9) The costs and impacts on zoning of building new schools and how
18 those costs can be reduced;

19 (10) School boundaries and attendance areas and how those affect
20 school size; and

21 (11) Whether opportunities are available for alternative methods to
22 create space for smaller schools, including the purchase and renovation of existing
23 buildings, where available, and including suburban and urban school design.

24 (b) On or before December 31, 2013, the State Department of Education shall
25 submit a report to the General Assembly, in accordance with § 2-1246 of the State
26 Government Article, on whether the State should establish a maximum school size
27 policy or guideline or require local school systems to establish a maximum school size
28 policy or guideline for each jurisdiction.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 2012. It shall remain effective for a period of 3 years and, at the end of June 30,
31 2015, with no further action required by the General Assembly, this Act shall be
32 abrogated and of no further force and effect.